

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

MACK SAMUEL STOKES,

Plaintiffs,

V.

LIMESTONE COUNTY JAIL, et al.,

Defendants.

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5:09-CV-325-IPJ-TMP

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 10, 2009, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted. On November 17, 2009, the plaintiff filed a motion to dismiss this action in which he stated he had no objections to the magistrate's recommendation. (Doc. #13).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted. The plaintiff's motion to dismiss is DENIED as MOOT.

A Final Judgment will be entered.

DATED this 2nd day of December 2009.

Chas. Pratt Johnson

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE

